

Message Text

LIMITED OFFICIAL USE

PAGE 01 MANAGU 03053 062128Z
ACTION ARA-14

INFO OCT-01 ISO-00 HA-05 SY-05 MCT-01 AID-05 CIAE-00
DODE-00 PM-05 H-01 INR-10 L-03 NSAE-00 NSC-05
PA-01 SP-02 SS-15 ICA-11 /084 W
-----036511 072102Z /46

R 061549Z JUL 78
FM AMEMBASSY MANAGUA
TO SECSTATE WASHDC 7036
INFO AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA

LIMITED OFFICIAL USE MANAGUA 3053

E.O. 11652: N/A
TAGS: PINS NU
SUBJECT: JURY ABSOLVES SANDINISTAS

SUMMARY: ON JULY 1, A JURY IN MASAY ABSOLVED NINE PERSONS OF CHARGES OF PARTICIPATING IN THE OCTOBER 1977 FSLN ATTACK ON THE MASAYA GN GARRISON. THE VERDICT IS INTERPRETED ALTERNATIVELY AS DISPLAYING REPUDIATION OF THE GON OR THE JURORS BEING MOTIVATED BY FEAR OF REPRISAL IF THEY HAD SUSTAINED THE CHARGES. THE JURY VERDICT MAY STILL BE OVERTURNED, AND THE GON IS AGONIZED BY THE DECISION.

1. PURSUANT TO THE OCTOBER 1977 FSLN ATTACK ON THE MASAYA GN HEAD-QUARTERS, FOUR PERSONS WERE CAPTURED. THE GON FINALLY BROUGHT THESE FOUR AND, IN ABSENTIA, ANOTHER FIVE PERSONS WHO SUCCEEDED IN OBTAINING ASYLUM IN FOREIGN EMBASSIES, TO TRIAL IN MASAYA DURING THE WEEK OF JUNE 26. THE JURY TRIAL ENDED IN THE EARLY MORNING OF JULY 1 WITH A DECISION TO ABSOLVE THE NINE PERSONS OF ALL CHARGES AGAINST THEM.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 MANAGU 03053 062128Z

2. THE GON MAY STILL APPEAL THE JURY VERDICT TO THE SUPREME COURT. VARIOUS MEMBERS OF THE GON HAVE EXPRESSED TO EMBASSIES THEIR DISGUST AND FRUSTRATION WITH THE JURY'S DECISION. THEY VIEW THE RESULT AS A CLEAR CASE OF LACK OF JUSTICE. SEVERAL GN WERE KILLED IN THE MASAYA ATTACK AND THE RELATED AMBUSH OF REINFORCEMENTS ON THE MANAGUA-MASAYA HIGHWAY. THE GN ATTITUDE IS THAT THE VERDICT IS THE EQUIVALENT OF A DECLARATION OF AN OPEN SEASON FOR ATTACKS ON THE

GN. HOWEVER, IT APPEARS THESE SAME PERSONS BELIEVE THAT IF THE JURY DECISION WERE TO BE REVERSED ON APPEAL THERE WOULD BE NATIONAL AS WELL AS POSSIBLE INTERNATIONAL PROTEST OVER THE APPEARANCE OF A CONTROLLED JUDICIAL SYSTEM.

3. THE CHARACTERIZATION OF THE VERDICT IN OPPOSITION LA PRENSA WAS THAT IT COULD BE TAKEN AS EITHER SUPPORT FOR THE DEFENDENTS OR REPUDIATION OF THE REGIME. HOWEVER, THE MORE WIDESPREAD PRIVATELY EXPRESSED BELIEF HAS BEEN THAT THE VERDICT WAS MOTIVATED BY FEAR. THE LATTER INTERPRETATION HAS BEEN EXPRESSED TO EMBOFFS BY BOTH GON AND OPPOSITION CONTACTS. THE SEVEN JURORS WERE FROM MASAYA WHERE RECENT EVENTS HAVE DEMONSTRATED THAT GON SUPPORTERS HAVE BEEN THE TARGETS OF REPUDIATION AND THREATS WHICH, IN SOME CASES, HAVE RESULTED IN HOUSES BEING BOMBED AND BURNED. ALTHOUGH WE HAVE NO INDICATION OF ACTUAL THREATS AGAINST THE JURORS, THE ATMOSPHERE WAS CLEARLY CONDUCIVE TO THEIR AWARENESS THAT A DECISION AGAINST THE DEFENDENTS WOULD MAKE THEM TARGETS OF REPUDIATION OR ATTACK BY ANTI-GON ACTIVISTS.

4. THIS CASE IS THE SECOND JURY TRIAL OF FSLN PRISONERS SINCE THE END OF MARTIAL LAW IN SEPTEMBER 1977. THE FIRST CASE INVOLVED ONLY ONE PERSON, WHO WAS ALSO FOUND INNOCENT. THESE RESULTS ARE SIMILAR TO A TRIAL OF SANDINISTAS IN 1974, PRIOR TO IMPOSITION OF THE MARTIAL LAW, WHEN SANDINISTAS ACCUSED OF ASSAULTING A PRIVATE COMPANY, KILLING WATCHMEN AND ROBBING MONEY WERE ALSO ABSOLVED BY A JURY. THE LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 MANAGU 03053 062128Z

EARLIER CASE, AND THE BELIEF THAT JURY TRIALS COULD NOT BE EXPECTED TO RESULT IN CONVICTIONS OF FSLN MEMBERS, WAS ONE REASON ARGUED WITHIN THE GON FOR PROLONGING MARTIAL LAW. THERE IS LIKELY TO BE AN "I TOLD YOU SO" ATTITUDE EXPRESSED AMONG GON HARDLINERS.

5. COMMENT: EMB DOES NOT EXPECT THIS CASE TO RESULT IN SIGNIFICANT INTERNAL PRESSURE WITHIN THE GON FOR RESTORATION OF MARTIAL LAW. HOWEVER, IF THERE IS A NEW SERIOUS THREAT TO PUBLIC ORDER AS A RESULT OF REVOLUTIONARY SPONSORED VIOLENCE, EMB WOULD EXPECT THE RESULTS OF THIS TRIAL TO WEIGH HEAVILY IN THE MINDS OF PRESIDENT SOMOZA AND HIS MILITARY AND CIVILIAN ADVISORS. IN THE ABSENCE OF MARTIAL LAW, EMB BELIEVES THERE IS A REAL POSSIBILITY THAT SOME GN MAY QUESTION THE WISDOM OF TAKING FSLN PRISONERS IN THE EVENT OF FUTURE FSLN ATTACKS AGAINST THE GON.
SOLAUN

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AMNESTY, COURT DECISIONS, TERRORISTS, TRIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MANAGU03053
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780279-0857
Format: TEL
From: MANAGUA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780791/aaaacyqq.tel
Line Count: 110
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: b070827a-c288-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 13 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2105427
Secure: OPEN
Status: NATIVE
Subject: JURY ABSOLVES SANDINISTAS SUMMARY: ON JULY 1, A JURY IN MASAY ABSOLVED NINE PERSONS OF CHARGES OF PARTICIPATING IN THE OCTOBER 1977 FSLN ATTACK O
TAGS: PINS, NU, FSLN
To: STATE
Type: TE
vdkgvkey: odb://SAS/SAS.dbo.SAS_Docs/b070827a-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014